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ELEMENTARY
MANUAL OF PRACTICE

CIVIL WAR CLAIMS

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ELEMENTARY

MANUAL OF PRACTICE.

CIVIL WAR CLAIMS.

COMPILED BY

W. C. ELDRIDGE AND L. R. GINN.



OFFICE OF THE

U.S. AUDITOR FOR THE WAR DEPARTMENT.

"

F. H. MORRIS, AUDITOR.

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MANUAL OF PRACTICE, CIVIL WAR CLAIMS.

APPLICATIONS AND HEIRSHIP.

SOLDIER.—If soldier or officer be alive, claim must be made by himself over his own signature.

No assignment of a claim against the United States, in any form, can be recognized. (See 3477, R. S.)

(The assignment of the soldier's final statements after his discharge and an officer's regular pay account after it becomes due are apparent exceptions to the rule.)

Evidence of soldier's identity must be furnished. If by comparison of signature to the application, with signature to vouchers in the office, soldier can not be identified, then there must be the affidavits of two persons showing the claimant to be the person who served as alleged.

REPRESENTATIVES.—If soldier be dead, anything that became due and payable to him is payable to his legal representatives or heirs.

Exceptions: In case of additional bounty, under act of July 28, 1866, and bounty under act of March 3, 1863, only certain specified heirs are entitled.

Extra pay in the Spanish war, under acts of January 12, 1899, and March 3, 1899, is not payable to the heirs of soldiers who became entitled but died before receiving it.

ADMINISTRATOR OR EXECUTOR.—If there be an administrator or executor of soldier's estate, he is entitled to whatever the soldier became entitled to before his death, with the exception of bounty and extra pay referred to in last section.

If the amount due the estate of the soldier or officer is over \$500, payment can be made only to the administrator or executor.

The application by executor or administrator must be over his own signature and accompanied by certified copy of letters testamentary or letters of administration, or by certificate of the clerk of the court showing his appointment.

Payment will not be made to a public administrator unless it appear that he is acting at the request of the soldier's heirs.

Payment will not be made to a creditor administrator unless it be shown that amount claimed is necessary to pay the debts of the soldier and probable costs of administration.

An executor or administrator is not entitled to bounty due the soldier under act of March 3, 1863, or additional bounty under act of July 28, 1866, or extra pay under acts of January 12, 1899, and March 3, 1899.

An executor or administrator is not entitled to any bounty which was not payable to the soldier but was provided for certain specified heirs by act of Congress.

HEIRS.—Upon application by soldier's heirs, inquiry will not be made as to whether administration has been granted, unless the amount due soldier's estate is more than \$500, but payment will be made, on proper application and evidence, to the soldier's heirs, in the following order of precedence, viz, widow, children (in equal shares), father, mother, brothers and sisters (whole and half blood in equal shares).

In case of heirs more remote than brothers and sisters and their children, administration will be required, unless the amount is small and payment is directed upon submission.

In all cases applications must be over the signature of the claimant.

In claims of heirs the death of soldier must be established by the affidavits of two persons, showing the date and place of his death, unless he died in service and the fact of death is of record, in which case claimants need not prove death.

WIDOW.—If widow claim, she must furnish evidence of her identity by the affidavits of two persons other than herself, showing that she is the soldier's widow.

CHILDREN.—In claim of children, they must prove their identity as in case of widow, and show by the affidavits of two person other than themselves the names of all of soldier's children, the death of such as have died, and whether such decedents left children surviving them. They must also show that soldier left no widow, or, that his widow is dead.

FATHER.—In claim by father, it must be shown that soldier is dead, and that there is no widow or child surviving.

MOTHER.—In claim by mother, same as in case of father, and, in addition, that the father is dead.

BROTHERS AND SISTERS.—In claims by brothers and sisters, same as in case of mother, and, in addition thereto, that the mother is dead. In case of no nearer relative than brothers and sisters, the amount due is payable to all the brothers and sisters soldier ever had, of the whole and half blood, in equal shares. If any brother or sister is dead, that one's share is payable to his or her children, if any; if there be no such children, it is distributed among the other heirs.

Before settlement of a claim of such heirs, it is necessary to have evidence showing all the brothers and sisters of the whole and half blood soldier ever had, the death of such as have died, and whether such decedents left children surviving.

MINORS AND INSANE.—If soldier or his heirs who are entitled are minors or insane, payment will be made to the legal guardian or committee. If, in such cases, the amount due be small,

the case will be submitted as to payment to natural guardian or otherwise.

The above rules of heirship apply in all cases where claimants take as representatives of soldier's estate, and are entitled because the soldier himself was entitled. In such cases residence of heirs has no bearing on their rights.

In all cases the regular office forms of application of current issue, or any form equivalent thereto, will, if properly filled up and executed, be accepted as sufficient evidence of heirship and identity, unless there be reason to suspect an error in the affidavits made.

CONSIDERATION OF CLAIMS.

In the examination of an ordinary claim; the following items are to be considered:

In case of an enlisted man, pay, bounty, clothing, and travel allowances.

In case of a commissioned officer, pay and subsistence for self, allowances for servants (pay, clothing, and subsistence), and travel allowances.

An enlisted man is entitled to pay and allowance for clothing from date of enrollment. Bounty is payable in advance, in installments, and on discharge, according to the act under which soldier enlisted, as hereafter described.

Officers are entitled to pay, subsistence, and allowances for servants (provided they employ such) from date of muster in.

Officers and enlisted men are, on discharge, entitled to travel pay and subsistence from place of discharge to place of entering the service, unless discharged for their own personal convenience or as punishment for an offense.

PAY.—A soldier is entitled to the full pay of his grade from date of enrollment to date of his final discharge and release

from the military service, excepting only for such periods as he may have been absent without leave or in desertion. Any balance due him on his entire account at date of desertion is forfeited thereby. The only other legal forfeiture of pay is by sentence of court-martial.

An officer is entitled to full pay and allowances from date of muster in, subject to the same conditions of absence and forfeiture as an enlisted man, with the added condition that, from March 3, 1863, to June 19, 1864, if on leave of absence for cause other than his own sickness, he is entitled during such time to one-half his regular pay and allowances; after June 19, 1864, he is entitled to full pay and allowances, excepting for time absent on leave for cause other than his own sickness in excess of thirty days in any one year. The leave year begins June 20, 1864.

An officer's right to allowances for servant depends on the fact that he actually employed a private servant allowed by law, and did not employ an enlisted man as servant.

CLOTHING.—A soldier is entitled to his clothing allowance under the same conditions of service and forfeiture as govern in case of pay.

If clothing account of an enlisted man be settled on discharge and there is no apparent error in the settlement, a claim for clothing will be disallowed, without a statement of clothing account. If there was no settlement, and the amount of clothing drawn can not be determined from the records, claim for clothing will be disallowed. Clothing account should be called for in all cases of Spanish War Volunteers.

In all cases of disallowance of clothing, disallow the item for the reason "no clothing pay is due."

DISCHARGE.—In determining dates of discharge of soldiers and officers if mustered out with their commands prior to May

15, 1865, date of "muster out" is date of discharge. If mustered out with their commands or large detachments thereof on or after May 15, 1865, they are entitled to pay, etc., to date of payment of company or detachment, if such organization was actually subsisted to that date, or to the date to which the organization was subsisted, if that be prior to date of payment.

An enlisted man discharged individually is held to be discharged on the date fixed by the War Department as the date of his actual discharge.

An officer discharged individually is held to be discharged on the date of receipt by him of notice of his discharge, or the date he is chargeable with receipt of such notice.

TRAVELING ALLOWANCES.—Enlisted men and officers are entitled on discharge from the service to transportation and subsistence, or if not furnished in kind, to commutation therefor, from place of discharge to place of enrollment, unless discharge is for personal convenience or as punishment for an offense. (See 1289 and 1290, R. S.)

The place where a soldier or officer is when his discharge takes effect, is the place of his discharge.

An exception to the rule that traveling allowances when due are computed from place of discharge to place of enrollment, is that if soldier or officer is on furlough or leave of absence at a place of his own choosing when discharged, he is allowed traveling allowances from that place to place of enrollment, *Provided*, no greater distance will be allowed than from station of his organization, at that time, to place of enrollment.

Claim for traveling allowances on discharge may be disallowed for any of the following reasons: "Traveling allowances were paid in full on discharge." "Soldier having been

discharged at place of enrollment." "Soldier having been discharged as punishment for an offense." "Soldier having been discharged for his personal convenience;" or, "Having been furnished transportation and subsistence in kind to place of enrollment."

BOUNTIES TO VOLUNTEERS.

No bounty can be allowed for services as commissioned officer, or for enlistments made before April 12, 1861, or for enlistments or service as Confederate prisoners of war in the six regiments of the so-called United States Volunteers; or to the surviving members of regiments called into the service of the United States for one hundred days or three months; but in case of death in the service of any enlisted man belonging to the latter organizations, his widow, if living, is entitled, or, if she be dead, the children of any such soldier are entitled to \$100 bounty, under section 11, act of March 3, 1865.

No bounty is paid to volunteers who enlisted after April 30, 1865, except a few volunteers enlisting in the extreme southwest, where notice of the order discontinuing enlistments in the Volunteer Army had not been received.

BOUNTY ACT OF JULY 22, 1861.

All volunteers who enlisted under this act for a period not exceeding three years, or less than six months, were entitled to \$100 bounty, provided they served for a period of two years or during the war (i. e., were discharged after April 28, 1865, on account of services being no longer required); or were discharged on account of wounds received in the line of

duty (if enlistment was for two years or more); or on account of wounds received in battle (if enlistment was for less than two years). If discharged before serving two years, for any cause other than wounds received in battle or in line of duty, or on account of services being no longer required (i. e., discharged *before* April 28, 1865), they are not entitled. Excluding exceptional organizations, this act applies to all volunteers who enlisted after April 11, 1861, and before December 24, 1863, or between April 2, 1864, and July 17, 1864.

This bounty is also payable to Missouri regiments, numbered from 39 to 50, inclusive, enrolled and mustered in for six months or one year under the order of General Rosecrans dated July 28, 1864, *Provided* the men were discharged for wounds received in battle, or were mustered out by reason of close of war (i. e., services no longer required). See vol. 3, Digest of Dec. Second Comp., par. 276. If absent, in desertion or without leave, during any part of the service, these men are regarded as not having served during the war and are not entitled to bounty. 3 Comp., 569 and 692.

In case of death of soldier in service, this bounty is payable to the soldier's heirs as follows: First, to the widow; second, to the children; third, to the father, if he has not abandoned the support of his family; fourth, to the mother; and lastly, to the brothers and sisters of the whole and half blood, in equal shares. See act of July 11, 1862.

The heirs of a deceased soldier more remote than children must have been residents of the United States at date of soldier's death.

Only such brothers and sisters as were alive at date of soldier's death are regarded as heirs to bounty under this act. Children of the brothers and sisters who were alive at date of soldier's death take their parent's share.

BOUNTY ACT OF APRIL 22, 1872.

All volunteer soldiers who enlisted after April 11, 1861, and before July 22, 1861, and who were mustered into the United States service for three years, and who were honorably discharged before serving two years for cause other than wounds received in line of duty, are entitled, by act of April 22, 1872, and act of July 20, 1888, and decisions thereon, to \$100 bounty, provided they have not already received it for such service. This bounty can not be allowed for enlistments in the Regular Army; nor to volunteers who enlisted after July 21, 1861, or for any other period than three years; nor to volunteers who served two years or more as enlisted men; nor to the heirs of those who died in the service, as such cases are specially provided for in other bounty laws. Where soldier was entitled to this bounty, and died without having received it, his heirs or representative are entitled. If soldier, enrolled as aforesaid, was discharged for promotion before he had served two years as an enlisted man, this bounty is due either to the soldier or his heirs. See vol. 3, Digest of Decisions Second Comp., par. 281, et seq.

If the conditions of this act are otherwise complied with, desertion is no bar to the payment of bounty.

BOUNTY ACT OF JULY 29, 1861.

This act provides that men enlisted in the Regular Army after July 1, 1861, shall be entitled to the same bounties, in every respect, as men enrolled in the volunteer forces under the act of July 22, 1861.

BOUNTY ACT OF JULY 5, 1862.

This act provides for the payment in advance of \$25 of the \$100 bounty authorized by the acts of July 22 and July 29,

1861. A soldier's right to retain this bounty depends principally upon the character of his discharge and length of service. If discharged before serving two years for a disability incurred since enlistment, he retains it; if for a disability existing before enlistment, or for promotion, or at his own request, he forfeits it.

BOUNTY ACT OF JULY 11, 1862.

This act designates what heirs are entitled to the bounty under the acts of July 22 and 29, 1861.

For order of heirship and payment, see under "Heirship in bounty cases."

BOUNTY ACT OF JULY 17, 1862.

Two classes of nine months men entered the service under this act. The men of one class were militia called into the service under sections 1 and 2, and were neither entitled to, nor paid, any bounty. The men of the other class were volunteers received into service under section 3, and were entitled to, and paid, \$25 bounty. Sixteen regiments of Pennsylvania volunteers, numbered from 122 to 137, inclusive, were accepted into service under this latter section.

See case of Andrew J. Young, Company C, Twenty-seventh New Jersey Volunteers, Sett. No. 18460, of November 7, 1883, reopened by Comptroller of the Treasury July 16, 1898, for a full discussion of the rights of soldiers and their heirs under this act, and under section 11 of the act of March 3, 1865. See also 1 Comp., 470. Bounty under this act is also payable to the members of the Eighth, Ninth, Tenth, and Fourteenth, and companies A, B, C, D, E, and F of the Fifteenth Kentucky Cavalry, without regard to length of service or character of discharge.

BOUNTY ACT OF FEBRUARY 7, 1863.

The surviving members of regiments brought into service under this act are not entitled to bounty, but in case of death in service of any enlisted man belonging to one of said regiments, his widow, if living, is entitled; or, if she be dead, the children of any such soldier are entitled to \$100 bounty, as provided in section 11, act of March 3, 1865. This act of February 7 applies only to the Kentucky troops brought into service under it.

BOUNTY ACT OF MARCH 3, 1863.

WOUNDS.

All volunteer soldiers discharged by reason of wounds received *in battle*, are, under the act of March 3, 1863, entitled to receive the same bounty as soldiers who are discharged after a service of two years.

The word "wound," as used in the foregoing, is to be understood in the sense of injury, hurt, damage, as contradistinguished from disease or sickness. The bounty can only be allowed when the soldier was *actually discharged by reason of the wound*, as aforesaid.

DRAFTED MEN AND SUBSTITUTES.

Drafted men enrolled to serve for three years, or their substitutes, are entitled by act of March 3, 1863, to \$100 bounty if they served two years or more, or were discharged by reason of wounds received in line of duty before two years' service. No bounty is due them or their heirs for such service under any other act. Drafted men or substitutes enrolled to serve for a period less than three years are not entitled to any bounty.

NOTE.—Drafted men and substitutes discharged under orders for the reduction of the Army are entitled to a constructive service of *three years* in determining their rights to bounty if enlisted for that period.

Substitutes for men enrolled and liable to draft, but not actually drafted, are not entitled to any bounty.

Colored men drafted in the extreme South under General Orders 29 and 106, Department of the Gulf, are regarded as having been impressed into the service, and are treated as volunteers. See case of Amos Beal, Ninety-second U. S. Colored Troops, Sett. No. 112099, June 3, 1889; also 250800.

DEATH AFTER DISCHARGE.

In case soldier was discharged for wound received in battle and became entitled to bounty under act of March 3, 1863, but died before receiving it, said bounty is payable to heirs as in case of soldier's death in service.

BOUNTY JOINT RESOLUTION, JANUARY 13, 1864.

RECRUITS.

All volunteer recruits who enlisted after October 23, 1863, and before December 24, 1863, for three years, *in an organization already in the field*, or who enlisted after December 23, 1863, and before April 2, 1864, for three years, are entitled to \$300 bounty, payable in installments during the term of service, as follows: \$60 in advance, \$40 at muster-in, and \$40 after each six, twelve, eighteen, twenty-four, and thirty-six months, respectively. If the soldier served his full term, or was discharged prior thereto by reason of wounds, or under any of the General Orders for the reduction of the Army because of termination of the war, he is entitled to the full amount, and generally received it on final payment at muster-out. If discharged by reason of disease, or by way of favor, or to accept promotion, he is entitled only to the accrued installments actually due him at the time of his discharge. No additional bounty is due in such case under any law passed since the soldier was discharged. Soldiers enlisting under the authority

of Circular No. 98, Provost Marshal General's Office, November 3, 1863, who may be honorably discharged after two years' service, are entitled to full bounty under their enlistment. This also applies to "veteran recruits" enlisted under Provost Marshal General's circulars of October 24, 1863, and November 3, 1863.

NOTE.—General Order No. 77, War Department, A. G. O., April 28, 1865, was the *first* order issued by the War Department discharging men by reason of close of the war.

List of regiments in which recruit bounty of \$300 was exceptionally allowed for enlistments from the dates named.

Second Maine Cavalry and Twenty-ninth and Thirtieth Maine Volunteers—from October 24, 1863.

Third Vermont Light Battery and Seventeenth Vermont Volunteers—from October 24, 1863.

Second Massachusetts Light Artillery and Fourth Massachusetts Cavalry—from October 24, 1863.

Second New York Mounted Rifles, Second New York Veteran Cavalry, and Thirteenth, Fifteenth, Eighteenth, Twenty-first, and Twenty-second New York Cavalry, and Fourteenth and Sixteenth New York Heavy Artillery—from October 24, 1863.

Potomac Home Brigade, Maryland Volunteers—from October 24, 1863.

Old Ohio regiments—from September 23, 1863; Ninth and Twelfth Ohio Cavalry—from August 18, 1863; Sixth Ohio Cavalry—from September 23, 1863.

Old Indiana regiments—from September 23, 1863; Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Indiana Cavalry, and One hundred and twentieth, One hundred and twenty-third, One hundred and twenty-fourth, One hundred and

twenty-eighth, One hundred and twenty-ninth, and One hundred and thirtieth Indiana Volunteers—from September 14, 1863.

Old Illinois regiments and Seventeenth Illinois Cavalry—
• from September 23, 1863.

First Michigan Cavalry—from October 24, 1863.

VETERANS.

Soldiers who were discharged after nine months' army service, which service may be continuous or in broken periods, and either in civil war or prior thereto, as volunteers, drafted men, or substitutes, or as Regular Army men, were permitted to become veterans, *provided they reenlisted prior to April 2, 1864, as volunteers for three years*, under the provisions of General Order, No. 191, A. G. O., of June 25, 1863. If they are discharged to reenlist into the same regiment, they must have less than one year of their original enlistment to serve to be entitled to reenlist as veterans. As veterans, they are entitled to \$400 bounty, payable in installments during the term of service as follows: Advance, \$60, \$50 at muster in, and \$50 after each six, twelve, eighteen, twenty-four, and thirty months, and the balance at the expiration of term of service, under the same provisions and restrictions as previously set forth in cases of recruits. Veteran bounty can not be allowed for enlistments or reenlistments made after April 1, 1864, or for any service as commissioned officers. General Order 191, referred to in this paragraph, applies only to volunteers. Hence to be entitled to veteran bounty, the reenlistment must have been in a three years volunteer organization, and for three years.

Nine months' prior service in the Marine Corps entitles to veteran bounty in the volunteers. See Sett. 58476, Aug. 10, 1886.



In case of soldier's death in service, the recruit and veteran bounty is payable to heirs in the same order as under act of July 22, 1861.

If either a recruit or veteran is discharged before serving two years as such, for a disability existing prior to last enlistment, or for promotion, or at his own request, he forfeits \$25 of the advance bounty.

For rule as to computation of recruit and veteran bounties, in cases where soldier was absent without leave, or in desertion, see under the head of "Desertion."

BOUNTY ACT OF JULY 2, 1864.

This act provides that a soldier who dies in hospital where discharged is deemed to have died in service so far as relates to bounties.

BOUNTY ACT OF JULY 4, 1864.

Volunteers who enlisted after July 17, 1864, and before May 1, 1865, for one, two, or three years, are, under this act, entitled to a bounty of \$100 for one year's service, \$200 for two years' service, and \$300 for three years' service, *unless sooner discharged*. This bounty is payable in three equal installments, as follows: One-third at muster in; one-third at the expiration of half the term of enlistment; and the balance at the expiration of the full term of enlistment. To become entitled to all the installments of bounty under this act, the soldier must have served the full term of his enlistment, or have been discharged by reason of expiration of term of service, or because of wounds received in line of duty. If discharged before the expiration of his full term of enlistment, because of "services no longer required" or by "close of the war," he would only be entitled to the installments which had actually accrued during his service and remained

unpaid at date of such discharge. Where a soldier who was enrolled under this act died in the service, the installments of bounty actually earned by, and unpaid to, soldier at date of his death, are payable to soldier's heirs the same as arrears of pay; the unaccrued installments of this bounty are allowed only to his widow, children, or mother if she was a widow at the date of soldier's death. No additional bounty is due for the services of these soldiers under any act passed since their discharge. This bounty can not be allowed for service as drafted men or substitutes.

BOUNTY ACT OF MARCH 3, 1865.

Section 11 of this act provides a bounty of \$100 to the widow, if living, or, if she be dead, to the children of any volunteer who has died or been killed in the service of the United States, whether such soldier shall have enlisted for two years or a less period of time. This section applies to all soldiers, whether belonging to a militia organization or not, who were actually in the service of the United States.

Section 4 of this act provides that any soldier discharged on account of wounds received in battle or skirmish, on picket, or in action, or in line of duty, shall be entitled to receive the same bounty as if he had served out his full term. The joint resolution of Congress of April 12, 1866, construes the words "or in line of duty" as used in said section 4 of this act.

BOUNTY ACT OF JULY 28, 1866.

Soldiers who enlisted for not less than three years from April 19, 1861, to October 23, 1863; from October 24, 1863, to December 23, 1863, in new organizations; from April 2, 1864, to July 17, 1864, and have been honorably discharged by reason of expiration of term, by reason of services being no

longer required, or wounds received in line of duty, and who received or were entitled to receive no greater bounty than \$100 under other laws, are entitled to \$100 bounty.

Soldiers who enlisted for not less than two years from April 14, 1861, to October 23, 1863; from October 24, 1863, to December 23, 1863, in new organizations; from April 2, 1864, to July 17, 1864, and have been honorably discharged after serving two years, or by reason of their services being no longer required, or by reason of wounds received in the line of duty, and who have received, or were entitled to receive, no greater bounty than \$100 under other laws, are entitled to \$50 bounty.

The time for filing claims under the act of July 28, 1866, known as the "Additional Bounty Act," expired July 1, 1880. Claims under this act, not filed within the time limited, may be disallowed as follows: "No claim for bounty having been filed prior to July 2, 1880, payment of additional bounty is barred by limitation of statute."

BOUNTIES TO REGULARS.

No bounty can be paid for enlistments in the Regular Army before July 1, 1861, except distant station bounty under act of June 17, 1850, and additional bounty act of July 28, 1866.

Soldiers who enlisted into the Regular Army between July 1, 1861, and June 25, 1863, are entitled to \$100 bounty, under the same conditions as volunteers. Additional bounty under act of July 28, 1866, is payable to regulars under the same conditions and limitations as volunteers.

All men enlisting into the Regular Army for five years, within ninety days from June 25, 1863 (the date of General Order, No. 190, A. G. O.), are entitled to a bounty of \$400, payable in installments as fixed by said order.

All soldiers who enlisted or reenlisted into the Regular Army for three years, under joint resolution of January 13, 1864, and General Order, No. 25, are entitled to \$400 bounty. By act of June 20, 1864, regulars serving under enlistments made prior to July 22, 1861, and reenlisting between June 20, 1864, and August 1, 1864, under this act, into their old regiments for three years, are also entitled to \$400 bounty, payable in installments.

Soldiers who enlisted into the Regular Army after July 17, 1864, and before July 1, 1865, are entitled to bounty under act of July 4, 1864, on the same terms as volunteers enlisted under that act.

No bounty is paid to regulars who enlisted after June 30, 1865.

VETERAN RESERVE CORPS.

No bounty is paid for enlistments or reenlistments in the Veteran Reserve Corps, but men transferred thereto from other regiments are entitled to the same bounty they would have received in their old regiments had they continued therein.

Such men as were honorably discharged from the Veteran Reserve Corps for any cause, after the muster out of their original organizations, are entitled to the same bounty as if mustered out therewith.

SUPERNUMERARIES.

Men mustered out as supernumeraries after April 28, 1865, are regarded as having gone out by reason of close of the war and are entitled to full bounty.

MASSACHUSETTS, NEW YORK, AND IOWA VOLUNTEERS—EXCEPTIONAL ENLISTMENTS IN.

A recruit for a Massachusetts regiment enlisting after July 23, 1862, is regarded as enlisting for the unexpired term of the

regiment in view of the agreement announced in G. O. No. 28, Headquarters, State of Massachusetts, July 23, 1862. (See vol. 3, par. 214, et seq., Digest Dec. Second Comp.; also Sett. 251802, March 11, 1898.)

A recruit for a two-year New York regiment, enlisting for the unexpired term of the regiment and discharged by reason of expiration of term of service, is not entitled to bounty for the reason that his enlistment was for a period less than two years. (See vol. 3, par. 218, et seq., Digest Dec. Second Comp.) For rule in the cases of Iowa soldiers enlisting for the unexpired term of the regiment and serving more than twenty-three months, see Sett. 94907, October 9, 1888; 163025, April 19, 1892; 203721, September 28, 1894; and 250408, February 2, 1898. (See also vol. 3, par. 216, Digest Dec. Second Comp.)

UNITED STATES VOLUNTEERS.

The members of the First, Second, Third, Fourth, Fifth, and Sixth United States Volunteers are not entitled to bounty. In the cases of the First, Second, Third, and Fourth, disallow as follows: "Members of this organization enlisted therein while prisoners of war, are not entitled to bounty under existing laws."

In cases of men of the Fifth and Sixth, disallow as follows: "The orders authorizing the raising of this regiment prohibited payment of bounty to men enlisted therein." See case of David Smith, 1st U. S. Vols., Settlement No. 192306.

HANCOCK'S CORPS.

The members of the First Corps, United States Veteran Volunteers (Hancock's Corps), who enlisted after July 17, 1864, were paid \$300 extra bounty in advance, which is not a stoppage against the bounty due under act of July 4, 1864.

MEN TRANSFERRED TO NAVY.

Men enrolled as soldiers for service in the Army during the civil war and transferred from the Army to the Navy, and afterwards discharged as sailors in the naval service, should apply to the Auditor for the Navy Department, by whom all claims for pay and bounty for service in the Navy are adjusted. Claims for additional bounty under act of July 28, 1866, in such cases are settled by this office.

HAWKINS-TAYLOR COMMISSION.

In the cases of members of organizations settled by the Hawkins-Taylor Commission, bounty may be disallowed as follows: "Bounty is disallowed for the reason that the members of this organization were not brought into the service of the United States under any law authorizing the payment of bounty."

BOUNTY ACT OF JUNE 16, 1880.

This act provides a bounty to the members of the Fifteenth and Sixteenth Missouri Cavalry. The amount of bounty is determined by the period of the soldier's actual service. Desertion or absence without leave has no effect upon soldier's right to this bounty, except to exclude the period of absence in computing service. It is immaterial whether the soldier's discharge be honorable or dishonorable.

In case of soldier's death in service, bounty is payable to his heirs, in the order named in the act of July 11, 1862. If the soldier died prior to the passage of the act, the widow must remain a widow until the date of the act. The mother must be a widow at the date of the act to be entitled.

COLORED SOLDIERS.

Under the act of March 3, 1873, and decisions thereon, colored soldiers and their heirs are entitled to the same bounty

as white soldiers and their heirs. See also under act of March 3, 1863.

DRAFTED MEN AND SUBSTITUTES.

See under act of March 3, 1863.

ASSIGNMENT OF BOUNTY CLAIMS.

The transfer or assignment of all bounty claims is prohibited by the joint resolution of April 10, 1869. See also section 3477, Revised Statutes.

HEIRSHIP IN BOUNTY CASES.

Any bounty that became due to the soldier in his lifetime, excepting bounty act of March 3, 1863, and additional bounty act of July 28, 1866, is payable to his heirs, the same as arrears of pay. This rule applies to bounty allowed under act of April 22, 1872.

If soldier died in service, certain heirs only are entitled to bounty which did not become due to him but which he would have received had he served out the term for which he enlisted. Bounty under act of July 22, 1861, and under joint resolution of January 13, 1864, in such cases, is payable first to the widow; second, to the children, in equal shares; third, to the father, provided he has not abandoned the support of his family; fourth, to the mother; and lastly, to the brothers and sisters of whole and half blood, in equal shares. If father, mother, brothers, or sisters were not residents of the United States at date of soldier's death, they are not entitled to any part of this bounty, and the right passes over to the ones next entitled. See act of July 11, 1862 (12 Stat., 535). Brothers and sisters who died before the soldier are not considered heirs under this act. Children of such heirs as were alive at date of soldier's death take their parent's share.

ACT OF MARCH 3, 1863.—In case soldier was discharged for wounds received in battle and became entitled to bounty under act of March 3, 1863, but died before receiving it, said bounty is payable to heirs as in case of soldier's death in service.

ACT OF JULY 4, 1864.—If soldier enlisted under act of July 4, 1864, and died in service, the unaccrued installments under said act are payable to his widow, or, if he left none, to his children. If no widow or children, then to his mother, if she were a widow at the date of soldier's death. Residence in the United States is not a condition under this act.

ACT OF JULY 28, 1866.—In case of soldier's death while in service, or subsequent to discharge and prior to July 28, 1866, by reason of wounds or disease contracted in service, this bounty becomes payable in the following order:

First, to the widow, if not remarried prior to July 28, 1866; second, to the children who were minors July 28, 1866; third, to the parents jointly or surviving parent, if resident in the United States July 28, 1866.

In case of soldier's death after having become entitled, or of the death of any heir entitled as above, this bounty becomes payable to the heirs in the following order:

First, to the widow, if not remarried prior to February 21, 1868; second, to the children, if minors February 21, 1868; third, to the parents jointly or surviving parent, if resident in the United States February 21, 1868. (See act of February 21, 1868.)

In case of a soldier's death prior to July 28, 1866, from other cause than wounds or disease contracted in service, who, if living, would be entitled under the law, this bounty is payable to the heirs or remaining heirs in the following order:

First, to the widow, if not remarried prior to March 3, 1869; second, to the children, if minors March 3, 1869; third, to the

parents jointly or surviving parent, if resident in the United States March 3, 1869. (See act of March 3, 1869.)

DESERTION.

A deserter forfeits all pay, bounty, and other allowances due him at date of desertion, and no pay or allowances can accrue to his credit while absent as a deserter or without leave. In all other respects his bounty account is settled the same as in cases of absences without leave.

In cases of soldiers discharged for wounds received in line of duty (not in battle) or for expiration of term, acts of July 22, 1861, July 4, 1864, March 3, 1865, March 3, 1869, and joint resolution of January 13, 1864, treat bounty account as if soldier had been discharged at the expiration of his term of enlistment by reason of expiration of term, and pay bounty as for his term of enlistment less the time absent.

ACT OF MARCH 3, 1863.—Desertion is no bar to the payment of bounty under this act. Any soldier who belonged to an organization called into service under section 1, act of July 22, 1861, and was discharged by reason of wounds received *in battle*, is entitled to \$100 bounty.

BOUNTY JOINT RESOLUTION JANUARY 13, 1864.—*Veterans*.—The bounty accounts of veterans reenlisted in the field, under General Order 191, General Order 216, and General Order 305, of 1863, who have been absent without leave and mustered out on account of close of the war, will be adjusted as follows:

Treat bounty account as if soldier had been discharged at the expiration of three years from date of reenlistment by reason of expiration of term, and pay bounty as for three years' service, less the time absent. Example: Veteran absent without leave ten months, mustered out under orders for the reduction of the army, credit for bounty three years, less ten months, equals two years and two months; pay \$310, the first six installments of veteran bounty.

This rule also applies in cases of deserters, with the exception that a deserter forfeits all bounty due at the date of desertion. It is understood that the above rule will apply to all veterans not enlisted under the Provost Marshal General's circular of October 24, 1863.

Recruits.—The bounty accounts of recruits enlisted under the provisions of the Provost Marshal General's circular of October 24, 1863, and his circular 98 of November 3, 1863, who have been absent without leave during service and are mustered out by reason of the close of the war, will be adjusted on the same plan as announced for veterans, viz, treat bounty account as if soldier had been discharged at the expiration of three years from the date of enlistment by reason of expiration of term, and pay bounty as for three years' service, less the time absent, with this exception: If the soldier has actually served two years, the full amount of bounty will be paid. Only actual service can be counted. This rule also applies to veteran recruits enlisted by provost marshals under the circular of October 24, 1863. It also applies to deserters, with the exception, of course, that a deserter forfeits all bounty due at date of desertion. In computing time for payment of bounty, no credit will be given for time that the soldier was in confinement undergoing sentence, or awaiting trial if subsequently convicted.

FORMS OF DISALLOWANCE OF BOUNTY.

In any case where a soldier or his heirs have received all the bounty due under whatever act or acts the soldier enlisted, bounty may be disallowed as follows: "He received \$———bounty under act (or acts) of ——, all to which entitled."

If enlistment is for two or three years under the act of July 22, 1861, and the soldier is discharged for a disability other than wounds or injuries, disallow as follows: "Having been

discharged prior to a service of two years for a disability other than wounds received in line of duty, no bounty is due."

If discharge is not for disability, disallow as follows: "Having been discharged prior to a service of two years for cause other than wounds received in line of duty, expiration of term of service, or close of the war, no bounty is due."

If enlistment is for three years, prefix to the above disallowance: "Having been enrolled after July 21, 1861, and"

If enlistment is for less than six months, or in a militia organization, disallow as follows: "There is no law authorizing the payment of bounty for his service in the above-described organization.

If enrolled as a volunteer for six months, and less than two years, prior to July 18, 1864, and discharged for any cause, disallow as follows: "As he was enrolled for less than two years, and discharged for disability other than wounds received in battle, no bounty is due," or, "Discharged for cause other than wounds received in battle or close of the war, no bounty is due." (Certain nine months' men in Pennsylvania and Kentucky are exceptions to this rule.)

In cases of drafted men and substitutes enrolled for less than three years, disallow as follows: "Soldiers drafted for less than three years are not entitled to bounty," or, "Substitutes enrolled for less than three years are not entitled to bounty."

In cases of substitutes for men not actually drafted, disallow as follows: "A substitute for a man enrolled and liable to draft, but not actually drafted, is not entitled to bounty."

In cases of certain Kentucky regiments brought into service under the act of February 7, 1863, disallow as follows: "The soldier was enrolled under the act of February 7, 1863, the provisions of which preclude payment of bounty."

COMMUTATION OF RATIONS TO PRISONERS OF WAR.

In all claims for commutation of rations, while prisoner of war, inquiry will be made of the Civil Claims Division as to whether settlement has been made by the Third Auditor, or Old Claims Division of this office.

If no settlement has been made, claim should be referred to the Commissary General of Subsistence for report, on office form prepared for the purpose.

For heirs entitled to commutation of rations, see act March 2, 1867 (14 Stat. 423), decision of Comptroller of March 26, 1898, in case of Samuel C. Roberts, Company D, One hundred and thirty-fifth Ohio Volunteer Infantry, Settlement 283848, and decision of Auditor, May 5, 1898, in case of George S. Stewart, Company A, Twenty-first Illinois Volunteers, Settlement 256600.

CONSIDERATION OF ITEMS.

Cases will be examined with special reference to what is claimed, but any item clearly due will be allowed whether specifically claimed or not.

If nothing be due as claimed, or clearly due upon the record, evidence of identity of claimant will not be required, but claim will be disallowed.

Evidence from claimant will not be called for to complete a right to an item not claimed, unless the item is due upon the record.

Transcripts of all payments must be made in every case, and any overpayment made or other proper stoppage must be deducted from anything otherwise due. (In the Regular Army, follow 4 Comp., 148.)

Upon any claim, settlement will show payment in full of all items not allowed, if such fact appears from the record.

Each item of a claim considered must be either "allowed," "disallowed," or "suspended."

Disallowances should be specific, clear, and brief. As a form for disallowance of an ordinary claim, when the records show payment in full, the following is suggested: "Soldier was paid pay and allowances in full and traveling allowances on discharge. He received \$—— bounty, under act of ——, all to which entitled."

(For disallowance of separate items see "Clothing," "Traveling allowances," and "Bounty.")

DISCHARGE CERTIFICATE.—Discharge certificate will not be required in the settlement of claim unless it is necessary as evidence in the case. Such certificate or evidence of its loss is generally necessary when question of payment to date of discharge, traveling allowances, or other items payable on discharge are involved.

ATTORNEYS.—No attorney will be recognized unless he be enrolled by the Secretary of the Treasury on the register of attorneys authorized to practice before this Department.

No attorney will be recognized unless he file, in this office, written authority from the claimant to act as his attorney or agent, and such authority must be filed at or before the time when the evidence required from the claimant to complete the case is received. (For Department regulations as to attorneys, see Department circulars as follows: Nos. 13 and 142, of 1886, and No. 94, of 1890.)

ATTORNEYS' FEES.—In cases of white soldiers and officers, Indian soldiers, sutlers, post traders, laundresses, laundrymen, company tailors, and matrons:

On sums not exceeding \$200, 10 per centum.

On sums more than \$200 and less than \$800, 10 per centum of first \$200 and 5 per centum of remainder thereof.

On sums of \$800 or more, \$50.

In cases of colored soldiers:

On sums of less than \$20, 10 per centum.

On sums from \$20 to \$50, \$5.

On sums from \$50.01 to \$99.99, \$7.50.

On sums of \$100 or more, \$10.

(See Department circular No. 77, of 1897.)

Fees in colored cases are fixed by law; in white cases, by regulation.

Colored soldiers within the meaning of the above rules include all colored men serving in the Army, and not merely so-called "United States Colored Troops." (See 3 Comp. Dec., 382.)

REVISION ON APPEAL.—Requests for revision on appeal and requests for rehearing must be carefully distinguished.

The right of appeal and right of rehearing do not exist at the same time.

For rules of appeal, see 1 Comp., 590, and decision of Comptroller, Feb. 24, 1900, with Settlement 243448.

REHEARING OR REOPENING.—Claims once settled can be reopened only by the officer making the settlement or his successor.

For rules governing the reopening of claims by the Comptroller of the Treasury, see 1 Comp., 592, and 4 Comp., 403.

For rules governing the reopening of claims by the Auditor, see 4 Comp., 403 and 471; also order of Auditor dated December 21, 1897.

DECISIONS.—For general reference to decisions applicable to all questions involved, see indices of vols. 1, 2, 3, and 4, Digest of Decisions of Second Comptroller, Rapp's Digest of Bounty Laws, and published Decisions of the Comptroller of the Treasury.

Many decisions in Rapp's Digest have been overruled or modified, and care must be exercised to verify decisions cited therein.

Decisions cited in vols. 3 and 4, Digest of Decisions of the Second Comptroller, may be generally followed.

In Rapp's Digest may be found extracts of all bounty laws prior to 1873.

For ready reference a brief general index to decisions relating to pay, bounty, clothing, and traveling allowances, published in vols. 1 to 5, Decisions of the Comptroller of the Treasury, may be found in the appendix following.

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